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13 PHILIPS LUMILEDS LIGHTING COMPANY,  
LLC

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

18 EPISTAR CORPORATION,

19 Plaintiff,

20 v.

21 PHILIPS LUMILEDS LIGHTING  
22 COMPANY, LLC,

23 Defendant.

24 AND RELATED COUNTERCLAIMS  
25

Case No. C-07-5194 CW

**ADMINISTRATIVE REQUEST TO FILE  
UNDER SEAL PURSUANT TO CIVIL L.R.  
79-5 PHILIPS LUMILEDS LIGHTING  
COMPANY'S MOTION FOR JUDGMENT  
ON THE PLEADINGS AND EXHIBITS C,  
D, E, G, I, J, AND K TO THE  
DECLARATION OF RYAN SCHER IN  
SUPPORT OF PHILIPS LUMILEDS  
LIGHTING COMPANY'S MOTION FOR  
JUDGMENT ON THE PLEADINGS**

Pursuant to Civil L.R. 79-5 and the Protective Order entered by the administrative law judge in the ITC Investigation on December 8, 2005, Philips Lumileds Lighting Company, LLC (“Lumileds”) requests the following documents to be filed under seal:

1. Philips Lumileds Lighting Company, LLC’s Motion for Judgment on the Pleadings contains pertinent excerpts from Lumileds’ First Set of Interrogatories to Epistar Corporation, Epistar Corporation’s Responses to Lumileds’ First Set of Interrogatories, and Epistar Corporation’s Supplemental Responses to Lumileds’ First Set of Interrogatories, in the ITC’s investigation *In the Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC Inv. No. 337-TA-556. These documents are confidential and subject to the Protective Order entered by the administrative law judge in the ITC Investigation. A copy of that Protective Order has been submitted as Exhibit A to the Declaration of Andrew J. Wu in Support of Philips Lumileds Lighting Company’s Motion to Stay (“Wu Declaration”), filed with this Court on January 31, 2008, with Lumileds’ motion to stay the present litigation; and

2. Exhibit C to the Declaration of Ryan Scher in Support of Philips Lumileds Lighting Company, LLC’s Motion for Judgment on the Pleadings is a true and correct copy of Appellant Epistar Corp.’s Motion to Stay Exclusion Order Pending Appeal, filed July 13, 2007, in the ITC’s investigation *In the Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC Inv. No. 337-TA-556. This document is confidential and subject to the Protective Order entered by the administrative law judge in the ITC Investigation. A copy of that Protective Order has been submitted as Exhibit A to the Declaration of Andrew J. Wu in Support of Philips Lumileds Lighting Company’s Motion to Stay (“Wu Declaration”), filed with this Court on January 31, 2008, with Lumileds’ motion to stay the present litigation; and

3. Exhibit D to the Declaration of Ryan Scher in Support of Philips Lumileds Lighting Company, LLC’s Motion for Judgment on the Pleadings is a true and correct copy of Appellant Epistar Corp.’s Motion to Stay Exclusion Order Pending Appeal, filed July 13, 2007, in the action *Epistar Corp. v. Int’l Trade Comm’n, et al.*, Fed. Cir. No. 2007-1457. This document is confidential, filed under seal, and subject to the Protective Order entered by the administrative

1 law judge in the ITC Investigation. A copy of that Protective Order has been submitted as  
 2 Exhibit A to the Declaration of Andrew J. Wu in Support of Philips Lumileds Lighting  
 3 Company's Motion to Stay ("Wu Declaration"), filed with this Court on January 31, 2008, with  
 4 Lumileds' motion to stay the present litigation; and

5 4. Exhibit E to the Declaration of Ryan Scher in Support of Philips Lumileds  
 6 Lighting Company, LLC's Motion for Judgment on the Pleadings is a true and correct copy of  
 7 Exhibits N and P to Appellant Epistar Corp.'s Motion to Stay Exclusion Order Pending Appeal,  
 8 filed July 13, 2007, in the ITC's investigation *In the Matter of Certain High-Brightness Light*  
 9 *Emitting Diodes and Products Containing Same*, USITC Inv. No. 337-TA-556. This document  
 10 was designated confidential and is subject to the Protective Order entered by the administrative  
 11 law judge in the ITC Investigation. A copy of that Protective Order has been submitted as  
 12 Exhibit A to the Declaration of Andrew J. Wu in Support of Philips Lumileds Lighting  
 13 Company's Motion to Stay ("Wu Declaration"), filed with this Court on January 31, 2008, with  
 14 Lumileds' motion to stay the present litigation; and

15 5. Exhibit G to the Declaration of Ryan Scher in Support of Philips Lumileds  
 16 Lighting Company, LLC's Motion for Judgment on the Pleadings is a true and correct copy of the  
 17 Commission Opinion on Denial of Motion to Stay, issued August 20, 2007, in the ITC's  
 18 investigation *In the Matter of Certain High-Brightness Light Emitting Diodes and Products*  
 19 *Containing Same*, USITC Inv. No. 337-TA-556. This document is confidential and subject to the  
 20 Protective Order entered by the administrative law judge in the ITC Investigation. A copy of that  
 21 Protective Order has been submitted as Exhibit A to the Declaration of Andrew J. Wu in Support  
 22 of Philips Lumileds Lighting Company's Motion to Stay ("Wu Declaration"), filed with this  
 23 Court on January 31, 2008, with Lumileds' motion to stay the present litigation; and

24 6. Exhibit I to the Declaration of Ryan Scher in Support of Philips Lumileds Lighting  
 25 Company, LLC's Motion for Judgment on the Pleadings is a true and correct copy of the  
 26 Complainant Lumileds Lighting U.S., LLC's First Set of Interrogatories to Respondents Epistar  
 27 Corp. and United Epitaxy Co., Ltd., served January 19, 2006, in the ITC's investigation *In the*  
 28 *Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC

1 Inv. No. 337-TA-556. This document is confidential and subject to the Protective Order entered  
 2 by the administrative law judge in the ITC Investigation. A copy of that Protective Order has  
 3 been submitted as Exhibit A to the Declaration of Andrew J. Wu in Support of Philips Lumileds  
 4 Lighting Company's Motion to Stay ("Wu Declaration"), filed with this Court on January 31,  
 5 2008, with Lumileds' motion to stay the present litigation; and

6 7. Exhibit J to the Declaration of Ryan Scher in Support of Philips Lumileds Lighting  
 7 Company, LLC's Motion for Judgment on the Pleadings is a true and correct copy of the  
 8 Respondent Epistar Corporation's Responses to Complainant Lumileds Lighting U.S., LLC's  
 9 First Set of Interrogatories, served January 30, 2006, in the ITC's investigation *In the Matter of*  
 10 *Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC Inv. No.  
 11 337-TA-556. This document is confidential and subject to the Protective Order entered by the  
 12 administrative law judge in the ITC Investigation. A copy of that Protective Order has been  
 13 submitted as Exhibit A to the Declaration of Andrew J. Wu in Support of Philips Lumileds  
 14 Lighting Company's Motion to Stay ("Wu Declaration"), filed with this Court on January 31,  
 15 2008, with Lumileds' motion to stay the present litigation; and

16 8. Exhibit K to the Declaration of Ryan Scher in Support of Philips Lumileds  
 17 Lighting Company, LLC's Motion for Judgment on the Pleadings is a true and correct copy of the  
 18 Respondent Epistar Corporation's Supplemental Responses to Complainant Lumileds Lighting  
 19 U.S., LLC's First Set of Interrogatories, served March 3, 2006, in the ITC's investigation *In the*  
 20 *Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC  
 21 Inv. No. 337-TA-556. This document is confidential and subject to the Protective Order entered  
 22 by the administrative law judge in the ITC Investigation. A copy of that Protective Order has  
 23 been submitted as Exhibit A to the Declaration of Andrew J. Wu in Support of Philips Lumileds  
 24 Lighting Company's Motion to Stay ("Wu Declaration"), filed with this Court on January 31,  
 25 2008, with Lumileds' motion to stay the present litigation.

26 Lumileds will lodge the aforementioned documents in hard copy with the Court as well as  
 27 lodge a redacted version of the Motion for Judgment on the Pleadings. This request is supported  
 28 by the following declaration.

1 For the foregoing reasons, Lumileds requests that the Court order the above documents  
2 sealed pursuant to the Protective Order entered by the administrative law judge in the ITC  
3 Investigation.

4  
5 Dated: June 5, 2008

Respectfully Submitted,

6 MORGAN, LEWIS & BOCKIUS LLP

7  
8 By /s/ Michael J. Lyons

Michael J. Lyons  
Attorneys for Defendant and  
Counterclaimant  
Phillips Lumileds Lighting Company, LLC

9  
10  
11 I, Michael J. Lyons, declare as follows:

12 1. I am an attorney at the law firm of Morgan, Lewis & Bockius LLP, attorneys for  
13 Philips Lumileds Lighting Company, LLC. I am a member in good standing of the Bar of the  
14 State of California and admitted to practice in the United States District Court for the Northern  
15 District of California. I submit this declaration in support of the above Administrative Request to  
16 File Documents Under Seal Pursuant to Civil L.R. 79-5.

17 2. I have personal knowledge of each statement set forth in the Administrative  
18 Request to File Under Seal Pursuant to Civil L.R. 79-5, and each such statement is true and  
19 correct.

20 I declare under penalty of perjury that the foregoing is true and correct. Executed on this  
21 the 5th day of June 2008 in Washington, D.C.

22 /s/ Michael J. Lyons

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Amy M. Spicer, am the ECF user whose ID and password are being used to file this Administrative Request to File Under Seal Pursuant to Civil L.R. 79-5. In compliance with General Order 45.X.B., I declare under the penalty of perjury under the laws of the United States of America that Michael J. Lyons has concurred in this filing.

Executed this 5th day of June 2008, at San Francisco, California.

/s/ Amy M. Spicer